

REMARKS

Claims 1 to 16, 28, 29, 32 to 34, and 37 to 39 are pending in the application.

Claims 2, 5 to 7, 10, 17 to 27, and 30 to 36 are cancelled.

Claims 1, 3, 4, 11 to 16, 28, 29, and 37 to 39 are currently amended.

Claims 1 to 16, 28, 29, 37, and 38 are allowed.

Claims 39 is objected to.

Claims 32 to 34 are rejected.

Claims 1, 3, 4, 8, 9, 11 to 16, 28, 29, and 37 to 39 would be all of the claims pending in the application if the above amendment is entered.

Discussion of Current Amendments

The compounds of the elected invention of Group 3 are pyrido[3,4-d]pyrimidines. Claims 2, 5 to 7, 10, 17 to 27, 30, 31, 35, and 36 are canceled, as the subject matter of these claims does not relate to the elected invention.

Claims 1, 11, 12, 15, 16, 29, and 37 to 39 are currently amended to delete non-elected subject matter. Claims 3, 4, 8, 9, 13, 14, and 28 are amended, and Claims 1, 11, and 12 are further amended, to correct typographical errors.

Claim Rejections - 35 U.S.C. § 112

In item 1 of the Office Action, Claims 32 to 34 are rejected under 35 U.S.C. § 112, second paragraph, because allegedly the method/process applicant is intending to encompass in the claims is unclear.

Claims 32 to 34 are canceled, rendering rejection of Claims 32 to 34 moot.

Claim Rejections - 35 U.S.C. § 101

Also in item 2 of the Office Action, Claims 32 to 34 are rejected under 35 U.S.C. § 101 because allegedly the claimed recitation of a use without setting forth any steps

involved in the process results in an improper definition of a process, i.e., results in a claim which is not a proper process claim under 35 U.S.C. § 101.

Claims 32 to 34 are canceled, rendering rejection of Claims 32 to 34 moot.

Claim Objections

In item 2 of the Office Action, Claim 39 is objected to because it depends on Claim 40 and there is no Claim 40 in the application as filed.

A typographical error in Claim 39 that recited “Claim 40” is amended to recite instead “Claim 37.” Applicants thus believe that the objection is overcome because Claim 39 no longer depends on Claim 40.

Allowable Subject Matter

Applicants note with appreciation that Claims 1 to 16, 28, 29, and 37 to 38 are allowable except for the non-elected subject matter, and the presence of non-elected Claims 17 to 27, 30, 31, 35, and 36. Applicant was advised to cancel non-elected claims as well as non-elected subject matter in response to this Office Action.

Applicants note Claims 2, 5 to 7, 10, 17 to 27, 30, 31, 35, and 36 are canceled, as the subject matter of these claims does not relate to the elected invention, and Claims 1, 11, 12, 15, 16, 29, and 37 to 39 are amended to delete non-elected subject matter. Accordingly, Applicants believe that Claims 1 to 16, 28, 29, and 37 to 38 are in condition for allowance.

Supplemental Information Disclosure Statement

Applicant herewith makes available to the Patent and Trademark Office a supplemental Information Disclosure Statement (“IDS”) on forms PTO/SB/08A and/or PTO/SB/08B and copies of the art cited thereon.

Applicant respectfully requests that the Examiner consider carefully the complete text of the cited reference(s) in connection with the examination of the above-identified application in accord with 37 CFR §1.104(a).

Applicants point the Examiner to the Office Action mailed June 16, 2003, in U.S. Patent Application No. 10/264,764, which relates to Claim 40 and is cited in the enclosed supplemental Information Disclosure Statement.

It is respectfully requested that all cited reference(s) considered by the Examiner be listed in the "References Cited" portion of any patent issuing from the instant application (MPEP § 1302.12).

Applicants believe that certain PCT International patent application "WO" publication references cited in the IDS are cumulative to their corresponding U.S. patent application publication references, which are also cited in the IDS. In accordance with 37 C.F.R. § 1.98(c), copies of the cumulative WO references are not provided because copies of their corresponding U.S. references are provided. The cumulative WO references and their corresponding U.S. references are identified in the table below.

Cumulative Reference (no copy provided)	Corresponding Reference (copy provided)
WO 03/032999	US 2003/0144274
WO 03/033478	US 2003/0130278
WO 03/076417	US 2003/0216402
WO 04/000322	US 2004/0006077
WO 04/014384	US 2004/0063673
WO 04/014379	US 2004/0044000
WO 04/014866	US 2004/0038961
WO 04/014378	US 2004/0038959
WO 04/014388	US 2004/0043985
WO 04/014354	US 2004/0034009

WO 04/014869	US 2004/0043986
WO 04/014389	US 2004/0043984
WO 04/014377	US 2004/0043983
WO 04/014880	US 2004/0038974

Conclusion

In view of the above amendments and remarks, Applicants believe that Claims 1, 3, 4, 8, 9, 11 to 16, 28, 29, and 37 to 39 are in condition for allowance. Applicants request consideration of the supplemental IDS submitted herewith, reconsideration of Claim 39, and a Notice of Allowance for Claims 1, 3, 4, 8, 9, 11 to 16, 28, 29, and 37 to 39.

The undersigned would welcome a telephone call from the Examiner to discuss any matters related to this case that the Examiner thinks are amenable to resolution by such discussion.

Respectfully submitted,

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Claude F. Purchase, Jr.

Claude F. Purchase, Jr.

Reg. No. 47,871

Pfizer Inc.

2800 Plymouth Road

Ann Arbor, MI 48105

Tel. (734) 622-1692

Fax (734) 622-1553